

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Criminal Code of 2012 is amended by changing  
5 Section 11-1.40 and by adding Section 11-9.1B as follows:

6 (720 ILCS 5/11-1.40) (was 720 ILCS 5/12-14.1)

7 Sec. 11-1.40. Predatory criminal sexual assault of a child.

8 (a) A person commits predatory criminal sexual assault of a  
9 child if that person commits an act of sexual penetration or an  
10 act of contact, however slight between the sex organ or anus of  
11 one person and the part of the body of another, and the  
12 accused, is 17 years of age or older, and:

13 (1) the victim is under 13 years of age; or

14 (2) the victim is under 13 years of age and that  
15 person:

16 (A) is armed with a firearm;

17 (B) personally discharges a firearm during the  
18 commission of the offense;

19 (C) causes great bodily harm to the victim that:

20 (i) results in permanent disability; or

21 (ii) is life threatening; or

22 (D) delivers (by injection, inhalation, ingestion,  
23 transfer of possession, or any other means) any

1           controlled substance to the victim without the  
2           victim's consent or by threat or deception, for other  
3           than medical purposes.

4           (b) Sentence.

5           (1) A person convicted of a violation of subsection  
6           (a) (1) commits a Class X felony, for which the person shall  
7           be sentenced to a term of imprisonment of not less than 6  
8           years and not more than 60 years. A person convicted of a  
9           violation of subsection (a) (2) (A) commits a Class X felony  
10          for which 15 years shall be added to the term of  
11          imprisonment imposed by the court. A person convicted of a  
12          violation of subsection (a) (2) (B) commits a Class X felony  
13          for which 20 years shall be added to the term of  
14          imprisonment imposed by the court. A person convicted of a  
15          violation of subsection (a) (2) (C) commits a Class X felony  
16          for which the person shall be sentenced to a term of  
17          imprisonment of not less than 50 years or up to a term of  
18          natural life imprisonment.

19          (1.1) A person convicted of a violation of subsection  
20          (a) (2) (D) commits a Class X felony for which the person  
21          shall be sentenced to a term of imprisonment of not less  
22          than 50 years and not more than 60 years.

23          (1.2) A person convicted of predatory criminal sexual  
24          assault of a child committed against 2 or more persons  
25          regardless of whether the offenses occurred as the result  
26          of the same act or of several related or unrelated acts

1 shall be sentenced to a term of natural life imprisonment.

2 (2) A person who is convicted of a second or subsequent  
3 offense of predatory criminal sexual assault of a child, or  
4 who is convicted of the offense of predatory criminal  
5 sexual assault of a child after having previously been  
6 convicted of the offense of criminal sexual assault or the  
7 offense of aggravated criminal sexual assault, or who is  
8 convicted of the offense of predatory criminal sexual  
9 assault of a child after having previously been convicted  
10 under the laws of this State or any other state of an  
11 offense that is substantially equivalent to the offense of  
12 predatory criminal sexual assault of a child, the offense  
13 of aggravated criminal sexual assault or the offense of  
14 criminal sexual assault, shall be sentenced to a term of  
15 natural life imprisonment. The commission of the second or  
16 subsequent offense is required to have been after the  
17 initial conviction for this paragraph (2) to apply.

18 (Source: P.A. 95-640, eff. 6-1-08; 96-1551, eff. 7-1-11.)

19 (720 ILCS 5/11-9.1B new)

20 Sec. 11-9.1B. Failure to report sexual abuse of a child.

21 (a) For the purposes of this Section:

22 "Child" means any person under the age of 13.

23 "Sexual abuse" means any contact, however slight, between  
24 the sex organ or anus of the victim or the accused and an  
25 object or body part, including but not limited to, the sex

1 organ, mouth, or anus of the victim or the accused, or any  
2 intrusion, however slight, of any part of the body of the  
3 victim or the accused or of any animal or object into the sex  
4 organ or anus of the victim or the accused, including, but not  
5 limited to, cunnilingus, fellatio, or anal penetration.  
6 Evidence of emission of semen is not required to prove sexual  
7 abuse.

8 (b) A person over the age of 18 commits failure to report  
9 sexual abuse of a child when he or she personally observes  
10 sexual abuse, as defined by this Section, between a person who  
11 he or she knows is over the age of 18 and a person he or she  
12 knows is a child, and knowingly fails to report the sexual  
13 abuse to law enforcement.

14 (c) This Section does not apply to a person who makes  
15 timely and reasonable efforts to stop the sexual abuse by  
16 reporting the sexual abuse in conformance with the Abused and  
17 Neglected Child Reporting Act or by reporting the sexual abuse  
18 or causing a report to be made, to medical or law enforcement  
19 authorities or anyone who is a mandated reporter under Section  
20 4 of the Abused and Neglected Child Reporting Act.

21 (d) A person may not be charged with the offense of failure  
22 to report sexual abuse of a child under this Section until the  
23 person who committed the offense is charged with criminal  
24 sexual assault, aggravated criminal sexual assault, predatory  
25 criminal sexual assault of a child, criminal sexual abuse, or  
26 aggravated criminal sexual abuse.

1       (e) It is an affirmative defense to a charge of failure to  
2 report sexual abuse of a child under this Section that the  
3 person who personally observed the sexual abuse had a  
4 reasonable apprehension that timely action to stop the abuse  
5 would result in the imminent infliction of death, great bodily  
6 harm, permanent disfigurement, or permanent disability to that  
7 person or another in retaliation for reporting.

8       (f) Sentence. A person who commits failure to report sexual  
9 abuse of a child is guilty of a Class A misdemeanor for the  
10 first violation and a Class 4 felony for a second or subsequent  
11 violation.

12       (g) Nothing in this Section shall be construed to allow  
13 prosecution of a person who personally observes the act of  
14 sexual abuse and assists with an investigation and any  
15 subsequent prosecution of the offender.